

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS (BOSTON)

CHAPTER 13 PLAN

DEBTOR(S)

Docket Number (New Case)

Wayne White  
Robin White

SS# xxx-xx-4125  
SS# xxx-xx-8606

**I. PLAN PAYMENT AND TERM:**

Debtor(s) shall pay monthly to the Trustee the sum of **\$688.00** for the term of:

\_\_\_\_ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);

X 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);

\_\_\_\_ 60 Months. 11 U.S.C. § 1322(d)(2). Debtor(s) aver the following cause:

\_\_\_\_ or  
\_\_\_\_ Months. The Debtor(s) state(s) as reasons therefore: \_\_\_\_\_

**II. SECURED CLAIMS:**

A. Claims to be paid through the plan (including arrears):

<u>Creditor</u>	<u>Description of Claim</u> (pre-petition arrears, purchase money, etc.)	<u>Amount of Claim</u>
America's Servicing Co.	Pre-petition arrears	\$8500.00
Ford Motor Credit	Pre-petition arrears	\$1000.00
<b>Total of secured claims to be paid through the Plan:</b>		<b>\$9,500.00</b>

B. Claims to be paid directly by debtor(s) to creditors (Not through Plan):

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
America's Servicing Co.	Post Petition First Mortgage	\$207,256.26
Ford Motor Credit	Post Petition Automobile Loan	\$4,750.87

C. Modification of Secured Claims:

<u>Creditor</u>	<u>Details of Modification</u> (Additional Details May Be Attached)	<u>Amount of Claim To Be Paid Through Plan</u>
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**1.) Claims subject to Cram down and/or Modification and/or Lien Avoidance to be paid through the Plan:**

**a. Beneficial/Household Finance 2<sup>nd</sup> Mortgage \$125,000.00**

SEE SECTION V. B. and EXHIBIT "A" OF PLAN – To be treated as wholly unsecured pursuant to 11 U.S.C. Sections 506(a) and 1322(b)(2) . Any claim amount in excess of the value of the collateral securing it is placed into Class IV and has been provided for in Schedule F of the Debtors' Bankruptcy Petition.

**D. Lease:**

- i.) The Debtor(s) intend(s) to reject the residential/personal property lease claims of: \_\_\_\_\_
- ii.) The Debtor(s) intend(s) to assume the residential/personal property lease claims of: \_\_\_\_\_
- iii.) The Arrears under the lease to be paid under the Plan are: \$ \_\_\_\_\_

**III. PRIORITY CLAIMS:**

**A. Domestic Support Obligations:**

Creditor	Description of Claim	Amount of Claim
None		

**B. Other Priority Claims:**

Creditor	Description of Claim	Amount of Claim
Internal Revenue Service	Income taxes	\$4,000.00
Massachusetts D.O.R.	Income Taxes	\$14,500.00
Total of Priority Claims to be Paid Through Plan:		<b>\$ 18,500.00</b>

**IV. ADMINISTRATIVE CLAIMS:**

A. Attorney Fees (to be paid through the Plan): \$ 2,800.00

**B. Miscellaneous Fees:**

Creditor	Description of Claim	Amount of Claim
None		

C. The Chapter 13 Trustee's fee is determined by Order of the United State Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

## V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of 4.0% of their claims.

A. General unsecured claims: \$ 33,000.00

B. Undersecured claims arising after lien avoidance / cram down:

Creditor	Description of Claim	Amount of Claim
Beneficial/Household Finance	2 <sup>nd</sup> Mortgage	\$125,000.00

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of Claim
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**Total of Unsecured Claims: (A+B+C):** **\$ 158,000.00**

D. Multiply total by percentage: \$ 6,320.00

(Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of Claim
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None

Total amount of separately classified claims payable at \_\_\_\_% \$ 0.00

## VI. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund Plan: None

B. Miscellaneous Provisions: None

## VII. CALCULATION OF PLAN PAYMENT:

a. Secured claims (Section I-A total): \$ 9,500.00

b. Priority claims (Section II-A & B total): \$ 18,500.00

c. Administrative claims (Section III-A & B total): \$ 2,800.00

d. Regular unsecured claims (Section IV-D total): \$ 6,320.00

- e. Separately classified unsecured claims: \$ 0.00
- f. Total of a + b + c + d + e above: = \$ 37,120.00
- g. Divide (f) by .90 for a total including Trustee's Fee:

**Cost of Plan = \$ 41,244.44**

(This represents to total amount to be paid into the Chapter 13 Plan).

- h. Divide (g), Cost of Plan, by the Term of Plan, 60 months \$687.41
- i. **Round up to nearest dollar for Monthly Plan Payment: \$688.00**  
(Enter this amount on page 1)

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor(s) shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor(s) shall make pre-confirmation adequate protection payments directly to the secured creditor(s).

## VIII. LIQUIDATION ANALYSIS

### A. Real Estate:

Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
17 Lark Street, Fall River MA	\$190,000.00	\$320,385.00
Total Net Equity for Real Property:		\$ 0.00
Less Total Exemptions (Schedule C):		\$ 1.00
<b>Available Chapter 7:</b>		<b>\$ 0.00</b>

### B. Automobile(s):

<u>(Describe year, make, model):</u>	<u>Value</u>	<u>Lien</u>	<u>Exemption</u>
2004 Chevrolet Silverado	\$7,600.00	0.00	\$7,600.00
2006 Ford Escape	\$7,000.00	\$4,750.87	\$2,250.00
1980 Chevrolet Camaro	\$1,000.00	0.00	\$1,000.00
Total Net Equity:			\$ 10,850.00
Less Total Exemptions (Schedule C):			\$ 10,850.00

**Available Chapter 7:** \$ 0.00

C. All other Assets: (All remaining items on Schedule B: (Itemize as necessary)

Total Net Value: \$ 20,055.00

Less Exemptions (Schedule C): \$ 20,055.00

**Available Chapter 7:** \$ 0.00

D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed Exemptions: \$ 0.00

E. Additional Comments regarding Liquidation Analysis: None

IX. SIGNATURES

Pursuant to the Chapter 13 Rules, the debtor(s) or his/her attorney is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.



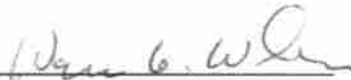
/s/ Robert S. Simonian, Esq.

Dated: January 5, 2012

Robert S. Simonian, Esq.  
155 North Main Street  
Fall River, MA 02720  
508-678-4000  
B.B.O. Number 631817

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE  
FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE  
BEST OF OUR KNOWLEDGE AND BELIEF.

/s/Wayne White



Dated: Dated: January 5, 2012

/s/Robin White



Dated: Dated: January 5, 2012

**EXHIBIT A**

Beneficial Massachusetts, Inc. having a place of business at PO Box 3425, Buffalo, NY 14240 and 270 Swansea mall Drive, Suite 12, Swansea, MA 02777, is the holder of a second mortgage from Wayne G. White and Robin M. White dated December 30, 2005 in the original principal amount of \$114,046.09 and recorded January 4, 2006 at the Bristol County, Fall River District Registry of Deeds at Book 6149, Page 88 against real property used as the Debtors' residence and commonly known as 17 Lark Street, Fall River, Massachusetts. Said property has an appraised value of \$190,000.00. There is a first mortgage, held by America's Servicing Company in the amount of \$207,256.26 at the time the Debtors filed this Chapter 13 Bankruptcy Case. Pursuant to 11 U.S.C. Sections 506(a) and 1322(b)(2), this Chapter 13 Plan provides to modify the second mortgage claim due to Beneficial Massachusetts, Inc., and treat such claim as an unsecured claim in its' entirety. The Order of Discharge to be entered in this case shall constitute a discharge of the mortgage held by Beneficial Massachusetts, Inc., and as described hereinabove and thereafter forever discharged and released from attachment on 17 Lark Street, Fall River, Bristol County, Massachusetts, the Debtor's principal place of residence. The Debtors propose, upon confirmation and completion of the Chapter 13 Plan and entry of The Order of Discharge, to record a copy of this Chapter 13 Plan, the Confirmation of this Chapter 13 Plan and Order of Discharge at the Bristol County Fall River District Registry of Deeds. For the purposes of this Chapter 13 Plan the debt will be treated as unsecured in it's entirety and will become an unsecured and discharged debt upon completion of this Chapter 13 Plan and the entry of the discharge.

**CERTIFICATE OF SERVICE**

I, Robert S. Simonian, Esq., Attorney for the Debtor(s), hereby certify, under the pains and penalties of perjury, that I did serve a copy of the foregoing Chapter 13 Plan upon the following parties by delivering same by first class mail, postage prepaid and / or via the Bankruptcy Court's Electronic Filing System.

**By Certified Mail:**

Household Finance / Beneficial  
ATTN.: President  
PO Box 3425  
Buffalo, NY 14240

Beneficial Massachusetts, Inc.  
ATTN.: President  
207 Swansea Mall Drive, # 12  
Swansea, MA 02777

**By Electronic Service:**

Trustee Carolyn Bankowski  
US Bankruptcy Trustee

**By First Class Mail:**

See attached mailing list

Dated: January \_\_\_\_, 2012

/s/ Robert S. Simonian, Esq.  
Robert S. Simonian, Esq.  
Bucacci And Simonian, P.C.  
155 N. Main Street  
Fall River, MA 02720  
508-678-4000  
B.B.O. No.: 631817



America's Servicing Co  
PO BOX 1820  
Newark, NJ 07101

Beneficial/Household Finance Co  
PO BOX 3425  
Buffalo, NY 14240

Capital One  
PO Box 30285  
Salt Lake City, UT 84130

Capital One  
PO Box 71083  
Charlotte, NC 28272

Capital One - Bankruptcy  
PO Box 5155  
Norcross, GA 30091

Capital Recovery Systems  
310 South Street  
Plainville, MA 02762

Carl Ferreira DMD  
1190 Stafford Road  
Fall River, MA 02721

Debt Management Inc  
249 South Street  
Plainville, MA 02762

Department of Revenue  
Bankruptcy Unit  
PO BOX 9564  
Boston, MA 02114

Equable Ascent Financial  
1120 W Lake Cook Road  
Buffalo Grove, IL 60089

First Premier Bank  
601 S Minnesota Avenue  
Sioux Falls, SD 57104

First Premier Bank  
PO BOX 5519  
Sioux Falls, SD 57117

Ford Motor Credit  
PO BOX 542000  
Omaha, NE 68154

Gary H. Kreppel, Esq.  
33 Boston Post Road West  
Marlborough, MA 01752

HSBC Card Services  
PO BOX 17051  
Baltimore, MD 21297

Internal Revenue Service  
Insolvency Groups - Stop 20800  
15 New Sudbury St.  
PO Box 9112  
Boston, MA 02203

IRS - Centralized Insolvency  
PO Box 21126  
Philadelphia, PA 19114

Lustig Glaser & Wilson PC  
PO BOX 9127  
Needham, MA 02492

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PO Box 826  
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Massachusetts Electric  
55 Bearfoot Road  
Northborough, MA 01532

Massachusetts Electric dba National Grid  
55 Bearfoot Road  
Northborough, MA 01532

Mercantile Adjmnt Bureau  
6390 Main Street  
S-160  
Buffalo, NY 14221

National Grid  
300 Erie Blvd W  
Syracuse, NY 13202

National Grid  
PO Box 1005  
Woburn, MA 01807

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2101 W 41st Street, # 34  
Sioux Falls, SD 57105

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PO Box 5217  
Sioux Falls, SD 57117

Plains Commerce Bank  
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Plains Commerce Bank  
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